

United States Court of Appeals for the Fifth Circuit

No. 22-60391

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2022

MARK S. BUCKNER, Sr.,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

WEST TALLAHATCHIE SCHOOL DISTRICT; CHRISTOPHER FURDGE, *Superintendent*; DEVORA BERDIN, *Principal*; MADALYN JOHNSON, *Business Manager*; GLORIA CARTER, *President of Board*; TRACEY MIMS, *Board Secretary*; LUCINDA BERRYHILL, *Board Member*; CORA HOOPER, *Board Member*; MARVIN GEORGE, *Board Member*,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:19-CV-264

Before KING, ENGELHARDT, and OLDHAM, *Circuit Judges*.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate

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Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this civil rights action, the district court entered final judgment dismissing the complaint on June 2, 2022. Therefore, the final day for filing a timely notice of appeal was Tuesday, July 6, 2022, because the thirtieth day was a Saturday, and the following Monday was a federal holiday. *See FED. R. APP. P. 26(a)(1)(C)*. Plaintiff's notice of appeal was filed on July 12, 2022. When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.



Certified as a true copy and issued
as the mandate on Sep 09, 2022

Attest:

Tyler W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit